

The **North Royalton Planning Commission** met in the City Hall Council Chambers, 14600 State Road, on Wednesday, **March 4, 2020 to conduct the Regular PC Meeting**. The meeting was called to order at 7:00 p.m. by Chair Frank Castrovillari and opened with the Pledge of Allegiance.

**PRESENT:** Planning Commission: Chair Frank Castrovillari, Vice Chair Gene Baxendale, Mayor Antoskiewicz, Paul Marnecheck, Holly Michalke, Secretary Diane Veverka. Administration: City Law Director Thomas Kelly, City Engineer Mark Schmitzer, Building Commissioner Dan Kulchytsky.

## **REGULAR MEETING:**

**APPROVAL OF MINUTES:** Motion and seconded to approve the minutes of February 5, 2020. Motion carried.

## **PUBLIC HEARING:**

The Public Hearing portion of the meeting was called to order at 7:04. The Secretary stated public hearing notices were sent to property owners within 500 feet of the property in question and posted as required.

- a) **PC20-08: Viewpoint Subdivision** – Builders & Developers Co. Inc. and Viewpoint Development LLC are seeking Preliminary Plan approval for Viewpoint Subdivision. The subdivision will consist of 15 single family residential lots located on PPN: 482-28-037 in R1-B District zoning and PPN: 482-28-001 in RM-D District zoning. The proposed subdivision will be an extension of Margaret Drive and Cartwright Parkway to the south ending in two cul-de-sacs.

Rich Beran stated the site plan has not changed much since last month. Site plans are for two stub streets; the west side cul-de-sac will be shorter, the cul-de-sac on the east side will be longer. Proposal is for a total of 15 lots; a majority of the lots are over one acre. Land disturbance will be a total of 30 percent of the site or 11 acres of the total 39 acres. On the visual, the areas in green are the only areas of disturbance planned for the entire site. Because of covenants and restrictions by the developer and also by current city zoning as well as Soil and Water the non-disturbed area will be kept in its current stage. Mr. Beran pointed to the visual; he said underneath the areas in blue are the two streams classified as streams by City code and the USCA. The blue areas have 125 ft. setbacks, the red is 75 ft. and the green is 25 ft. That is all based on both the location and grade of the stream in those areas. Farther to the west the setback areas are smaller because the land levels out. He said they have applied to the Army Corp of Engineers and have a jurisdictional letter from them for the wetlands. He said they are working with them; when they receive approval they will make a formal application. He said they will need their permission to do work in the streams to slow the water down; they would like to do ripples in the streams. They made the request and their original answer was if you want to slow the water down they should go back to the street to the east and ask them to retain their own water. Mr. Beran stated they are also looking to do a category 1 wetland fill permit for a small area on subplot 1; there will be no setbacks for the area that is left. They would also like to fill a small amount of category 2 wetland in Block C which is being used for detainage; it would have a 75 ft. setback. They will have the wetland permits in hand prior to coming back for final approval. The Army Corp of Ohio EPA stated they are not interested in doing anything with covenants and restrictions and taking the whole area as a conservation area; they felt it is between the developer, the City and Soil and Water. A lot of the changes in the site plan has to do with

comments that came about at the meeting with Soil and Water. As they move forward with the Corp they have agreed to keep Soil and Water in that loop.

Mr. Beran stated they are going to form their own HOA specifically to this site to take care of the private lands, the common areas and detention basins and everything within the perimeter. He stated if the other associations are up and running they will merge with them or become an arm of theirs.

The Chair said he would like to hear from the Department Heads prior to opening it up to the general public for questions.

The Building Department had no comments related to the application. The City Engineer stated the Engineering Department made available a lengthy report which included a lot of reminders. He said Mr. Beran did a good job of hitting the key highlights. He added the site plan is minimizing the disturbance from the previous site plan which was 50-60 percent disturbance. They are now down to 30 percent and they are working to minimize any type of wetland impacts. The multiple wetlands on the site are being left alone in conservation areas. On the south end of the site on subplot 1 a category 1 wetland will be impacted and a category 2 wetland which is just south of subplot 1 in block C. The fact that they are going to be doing work in the streams to slow water down so it is not as erosive is something the City wants to see. The City Engineer said he spoke with Mr. Barcikowski regarding the sidewalks around the cul-de-sac. He asked that on the two sublots on the Cartwright Parkway they put a sidewalk on the south side of the cul-de-sac and coming up to the mid-point because of the terrain coming towards that cul-de-sac. He said he would like the cul-de-sac to continue all the way around if they could lay the slope back a little more to have additional room for a sidewalk so it can go all the way around the cul-de-sac. By the two houses possibly the sidewalk could be continuous to the curb instead of having a tree lawn to minimize the amount of grading needed. It would be the HOA's responsibility for the sidewalk on Block A.

The City Law Director stated the only concern he has is relative to the HOA and making sure the documents reflect the responsibility for the maintenance of basins is placed on the HOA.

The Chair opened the floor for questions from the public.

Beth Kociuba, 7640 Hi-View Drive, requested the developer to consider removing subplot 1 from the plans to accommodate the wetlands in the area. She also expressed concerns regarding subplot 2 Block C wetlands. She requested the 12 acres set aside for conservation be put back into the plan. She asked that the owners clear the land at the time they build so the lots are not all cleared leaving a blighted hillside for possibly many years to come. She also expressed her concern regarding effective mitigation and the possible long-term fatal consequences.

Kevin Kuntz, 7481 Hi-View Drive, expressed his concerns regarding environmental, clearing of additional land to access construction sites, conservation area that is no longer in the plan and storm water management. He said he previously mentioned about a manhole on Margaret Drive that is dislodged. He questioned if a variance would be needed for the Category 2 wetland 75 ft. setback. He also expressed concern about if it is feasible to maintain the streams in the valleys and behind properties.

Thomas Kociuba, 7640 Hi-View Drive, spoke on his environmental concerns and the way it will impact the community. He spoke of the unfinished Huntington Parkway development, which for six years has empty lots, hills of dirt and idle construction vehicles. He does not want to see a developer located in Geauga County develop this subdivision not caring about the negative impacts on our community.

Joe Vassel, 7553 James Drive, spoke regarding the concerns expressed; is it because they don't want something built behind them. He stated the people on the east side of James weren't happy that development got extended because they were dead-end streets but people have the right to develop their land. He said our elected officials and administration have made a big impact for the City and said he trusts them.

Chelsea Ming, 7640 Hi-View Drive, stated we have an influence in our own communities and we need to consider not only what is good for our environment but also for the people living in that community. We should follow the regulations put in place regarding our wetlands.

**Moved** by Mayor Antoskiewicz, seconded by Mr. Marnecheck to **move this item to the Regular Order of Business**. Roll call: Yeas: Five. Nays: None. Motion carried.

- b) **PC20-09: Quarry Park Subdivision** – Greg Zillich on behalf of Arthur Thompson, George and Pamela Glus, David and Patricia Hajnosz, Mark and Teri DeCress is seeking Sketch Plan approval for Quarry Park Subdivision. The subdivision will consist of 20 single family residential lots located off State Road on PPN: 488-09-002, 488-09-003, 488-09-012 and 488-09-044 in Residential (R1-A) District zoning.

Greg Zillich stated he previously submitted the plan under a different entity. He is now submitting it under his name. The sketch plan is for a 20 lot subdivision on the corner of State and Wallings taking up approximately 9.8 acre parcel. He said the rest will remain green space. It is off of State Road. He said the lots are standard size and comply with the City's regulations.

The Building Commissioner stated this was previously presented before the PC under a different entity. He is back tonight with the same development plan. He spoke to Mr. Zillich stating the plan before us has had no changes from the previous approval, is that correct? Mr. Zillich responded correct. The Building Commissioner recapped some of the information: the plan is compliant with our ordinances for a residential district in terms of lot size, placement, setbacks, etc. A portion of the lot to the east which is not seen on the plan is designated as a conservation area and will remain undisturbed and sidewalks will be on both sides of the road. He said the lots are not standard lots; they are smaller but they are compliant with our code in terms of Residential District.

The City Engineer stated nothing has changed since the last time it was presented a year ago. He stated at that time there were a lot of concerns such as stormwater, sanitary, etc. He stated he did not see anything on the plan that attempted to address any of those concerns. He therefore reiterated the Engineering Department comments from one year ago. In order to know the exact limits he said a wetland study would need to be done to know the type of wetland category located on the east of the development property. He added for the sketch plan level, this is not required but he asked for a commitment from the

developer that when moving forward this information is provided in order to apply the correct setbacks and calculate if any variances will be needed for any of the proposed sublots. Stormwater management basins are shown on the plan. The big concern is that the development does not drain and flood out to State Road. The residents who live off Lisa Lane and Villa Grande also do not want the additional water to flow to their area. He said comments were made regarding the developer being required to do some ditching and upgrading along the corridor in front of the property for stormwater management and storm sewers. The Wastewater Superintendent said there are no capacity issues if adding 20 homes onto the existing sanitary sewer line. The proposed subdivision follows our single family cluster section of the code. That allows up to 1.9 units per acre; they are proposing 1.25 units per acre which is a smaller density.

The Law Director stated the Law Department has no objections or comments.

Richard Balata, 11694 State Road, expressed his concerns regarding the storm and sanitary sewers on State Road; he is located across the street from this project. He said we have had more large storms than in the past 20 years; he said his sanitary sewers have backed up three times in the past five years.

Jim Hanrahan, 11575 State Road, expressed his concern regarding the category 3 wetlands in the back area. He said he is still waiting for the buffer along the dry water retention basin next to his house which was promised when the old Avalon Center was built. He said he has lost 75 trees because of the river of water which flows south on State and then east behind his house towards Villa Grande.

Doug Codispoti, 4820 Lisa Lane, stated he opposes the development. He said he has installed French drains in his yard to fight the water. The proposed water detention areas will not meet the demand of the development. The water needs to flow towards State Road in an underground sewage system. The City's responsibility is to insure we have the infrastructure in place before they allow additional development.

Moved by Mr. Marnecheck, seconded by Mayor Antoskiewicz **to move this item to the regular Order of Business**. Roll Call: Yeas: Five. Nays: None. **Motion carried.**

## **ADJOURNMENT OF THE PUBLIC HEARING**

**Moved** by Mayor Antoskiewicz, seconded by Mr. Marnecheck **to adjourn the Public Hearing**. Roll call: Yeas: Five. Nays: None. **Motion carried.** The Public Hearing adjourned at 7:56 p.m.

## **REGULAR MEETING**

The North Royalton Planning Commission met in the City Hall Council Chambers, 14600 State Road, on **Wednesday, March 4, 2020 in regular session**. The meeting was called to order at 7:56 p.m. by Chair Frank Castrovillari.

## **OLD BUSINESS**

- a) **PC18-25: Hugh and Margaret Kerr** – Tabled; no action. Seeking approval to install an 8” diameter sanitary sewer extension to connect to the public sanitary sewer along Akins Road

for a length of 229.5 ft. within the public right-of-way to service PPN: 483-19-002 located in a Residential (R1-A) District zoning. PC approved on November 8, 2018. 180 day extension granted 11-7-19; expires 5-5-20.

- b) **PC20-01: Spruce Run Apartments** – Richard Porter on behalf of Spruce Lake, Ltd. and Spruce Run Apartments is seeking site plan approval for construction of a new masonry enclosure for a trash compactor located at 13290 Spruce Run Drive, also known as PPN: 483-07-005 and 483-07-013 in Residential (RM-D) Multi-Family District zoning. This item was tabled on 2-5-20 by request of applicant.

**Moved** and seconded to remove from table. Roll call: Yeas: Five. Nays: None. **Motion carried to remove from table.**

Rick Porter with Gross Residential representing Spruce Lake, Ltd and Spruce Run apartments spoke regarding the application. He stated they are proposing to take the seven individual dumpster locations and combine them into one location on the site. Within that enclosure will be a 40 yard compactor and a 40 yard dumpster which would be for renovation debris and residents' bulk items. Currently individual dumpsters are enclosed by wood slat fences. They are proposing a masonry enclosure with a little vinyl fence on top and two vinyl front doors. He displayed a site plan showing a blue area off the main drive and the leasing office. He said the area for the compactor enclosure will be paved with 6" of cement. This allows the residents to come down though the property, do a turn-around, drop off for their rubbish and proceed out to State Route 82 as they are leaving the complex.

The elevation plan of the compactor enclosure was displayed. The 8 inch CMU faced with a red utility brick will match the brick on the buildings throughout the site. The fence will be a white solid vinyl fence material to increase the height of the enclosure as well as the two vinyl front doors. The doors to the enclosure will have cement rails on them. The trucks will pull up Spruce Run, back in, grab the compactor or dumpster, take them out and bring them back empty. The individual small dumpsters and enclosures which are located on concrete pads in the parking areas will be removed; areas will be restriped for additional parking.

The Building Commissioner stated Gross Builders has a compactor similar to this; it seems to have work out fine.

Ms. Michalke asked if it would affect the view from the residents in the adjacent building. He responded yes it will; the structure is 9 ft. tall. They would see the solid white doors and a couple of the brick pillars. Mr. Marnecheck asked how often the trash compactor would run. Mr. Porter responded the compactor is pulled approximately once a week during the daytime hours. It is set to cycle every five door pulls, on the fifth one it compacts. The compaction time ranges from 45 seconds to one and one-half minutes depending how full it is. The masonry enclosure helps reduce the noise from a 70 decibel reading to either 25 or 30 decibels outside the enclosure. The decibel level will be less than 10 decibels to the outside of the nearest apartment building.

**Moved** by Mr. Baxendale, seconded by Mr. Marnecheck **to approve the site plan for a new masonry enclosure.** Roll call: Yeas: Five (Castrovillari, Mayor Antoskiewicz, Baxendale, Marnecheck, Michalke). Nays: None. **Motion carried.**

- c) **PC20-02: Deer Creek Apartments** – Richard Porter on behalf of Deer Creek Apartments, Ltd. and Deer Creek Apartments is seeking site plan approval for new construction of an

enclosure for a trash compactor at 12445 Deer Creek Drive, also known as PPN: 483-17-004 Residential (RM-D) Multi-Family District zoning.

**Moved** and seconded to remove from table. Roll call: Yeas: Five. Nays: None. **Motion carried to remove from table.**

Rick Porter with Gross Residential representing Deer Creek Apartments, Ltd and Deer Creek apartments spoke regarding the application. He said the facility will serve both Deer Creek apartments and Walnut apartments.

The Building Commissioner stated this application is slightly different. They were unable to go with an all masonry enclosure due to the utility placement. He asked the applicant if the siding could be upgraded; they have agreed to upgrade the siding material to cedar.

Mr. Baxendale asked how often it would cycle and what the noise level is. Mr. Porter said the cycle of the operation of the compactor will not change however it may get pulled one and one-half to two times per week because it serve both Deer Creek and Walnut apartment complexes.

Ms. Michalke expressed her concern regarding its close proximity to the pool and may not be a desirable location. She asked if there is any other location away from the highlighted area of the development. Mr. Porter responded they tried to pull it as far away from the amenity as possible. He said he understands it will be an ongoing maintenance issue that they will have to deal with. The compactor is completely enclosed; it will not have a lot of odor. They hope with the amount of time they will be pulling it, they will not have that issue. The proposed location creates a good flow for residents in both complexes to utilize the compactor as they are leaving the site. This allows them to go out Walnut Drive and then exit at the traffic light.

The Chair asked if this has been presented to the residents. Mr. Porter said no they haven't. He said he assumed there has been some talk with Management. The PC Secretary stated because this is a rental property, only the property owner receives notification. Mr. Porter stated they looked at a number of areas, some areas were natural and they wanted them to remain natural, some had a very difficult grade or would remove parking area, and some were not in a circulation pattern that is conducive to utilizing the central area.

**Moved** by Mr. Marnecheck, seconded by Mr. Baxendale **to approve the site plan for new masonry enclosure.** Roll call: Yeas: Four (Castrovillari, Mayor Antoskiewicz, Baxendale, Marnecheck). Nays: One (Michalke). **Motion carried.**

- d) **PC20-06:** James Quinn of **Quinn Management Group** on behalf of Kathleen Timan is seeking Preliminary Plan approval for five two-family townhomes at 8641 West 130<sup>th</sup> Street also known as PPN: 481-03-053 and PPN: 481-03-054 in Planned Unit Development (PUD) District zoning. This item was tabled on 2-5-20. The applicant submitted a letter requesting this item remain tabled until the next PC meeting. They are working to rectify a previously unknown issue.

**Moved** by Mr. Marnecheck , seconded by Mayor Antoskiewicz **to allow this item to remain tabled.** Roll call: Yeas: Five (Castrovillari, Mayor Antoskiewicz, Baxendale, Marnecheck, Michalke). Nays: None. **Motion to remain tabled carried.**

- e) **PC18-21Ext: McDonalds Corporation – Larsen Architects** on behalf of property owner Stephen Payne and Area Construction Manager Dave Gnatowski received approval on 10-3-18 for building and site plan approval for renovation to the current McDonalds Restaurant franchise food establishment located at **5304 Royalton Road** also known as PPN: 488-19-011, in TCD District zoning. Site Plan approval was granted on 10-3-18. An extension was granted on 10-2-19 and will expire on 3-30-20. *Applicant requesting an additional 180 day extension.*

**Moved** and seconded to remove from table. Roll call: Yeas: Five. Nays: None. **Motion carried to remove from table.**

Jim Ptacek of Larsen Architects spoke on behalf of McDonalds Corporation. McDonalds has changed the order in which the projects would be constructed for the renovation. They only use a handful of contractors therefore their availability became the reason for the delay and they have pushed the timeline. We expect the project to start on July 20, 2020. They are therefore requesting a 180 day extension.

The Building Commissioner stated they would recommend PC approval for granting an extension due to their timeline change.

The Law Director stated as much as he would like to encourage the PC to move off of the constant extension granting process, he is aware of the fact McDonalds Corporation is trying the best that they can to move forward. He added the design for the improvements was intended to also take care of stormwater problems for the adjoining condominiums. While you may wish to make an exception and grant another extension, he would like to encourage PC to not grant extensions as regularly as we have in the past. The Chair stated this will probably be the last extension.

Mr. Baxendale asked if they have addressed the earlier concerns of cleanliness, especially in the play area. Mr. Ptacek responded the comments were expressed back to the owner. Mayor Antoskiewicz stated he is hoping for no additional delays and the project will get started in July.

**Moved** by Mr. Baxendale, seconded by Mr. Marnecheck to **approve a 180 day extension.** Roll call: Yeas: Five (Castrovillari, Mayor Antoskiewicz, Baxendale, Marnecheck, Michalke). Nays: None. **Motion to remain tabled carried.**

**Moved** and seconded to return back to the table. Roll call: Yeas: Five. Nays: None. **Motion carried to return back to the table.**

## NEW BUSINESS

- a) **PC20-08: Viewpoint Subdivision** – Builders & Developers Co., Inc. and Viewpoint Development LLC are seeking Preliminary Plan approval for Viewpoint Subdivision. The subdivision will consist of 15 single family residential lots located on PPN: 482-28-037 in Residential (R1-B) District zoning and PPN: 482-28-001 in Residential (RM-D) District zoning. The proposed subdivision will be an extension of Margaret Drive and Cartwright Parkway to the south ending in two cul-de-sacs.

Richard Beran of Builders & Developers Co., Inc. was asked to restate their plans for the conservation area. He said it hasn't totally been eliminated; there is an area in Block C and

an area at the end of Cartwright Blvd. that will probably be extended where the two basins are. So there will be a fairly large area that will be common area that will have the same covenants and restrictions on it along with all the areas on the plan that are restricted by the City's zoning. Those areas can be given to a third party who is not on site. He said they have an issue on a site in the Meadowview Subdivision which has a third-party administrator. The one who catches someone doing something wrong in those areas is the City; they are aware of someone who went into a restricted area; they were immediately stopped by the City. Land Conservatories would go through a different process. Restrictions are still there but with a different name. The covenants put on those areas would be also subject to everything the City already has which supersedes anything the developer would put on it such as construction, etc. If an owner owns all the land all the way back you would hope they would take care of their own property; if his neighbor were to do something behind there, the owner would have a right to enforcement. If he still views that as all his land in the back but only owns 100 ft. behind his house there is nothing to stop one of his neighbors from wandering around and doing something in that back area. With this being mostly rear yards and also because of the steep swales, hardly anyone would go down the swales and back up the other side to get to the apartments south of this area. Individual deeds will be given for each lot which gives a description of that easement and restrictions on each lot. If any building permit comes into the City it would be caught when they turn in a topo. Riparian setbacks will be put on the plat.

The City Engineer asked if everything outside the area which is shown in green that are on sublots, not open blocks but on sublots will be placed in conservation. Mr. Beran responded those areas will have covenant and restrictions on them. The City Engineer stated for PC purposes this will be covered somehow, whether it be deed restrictions. He said he believes the code says those areas have to be in conservation that will remain untouched. Mr. Beran stated they will follow whatever the code says. If they are put into a covenant like that, they can still be owned by the homeowner. The City Engineer responded that is correct; it is no different than some of our subdivisions with stormwater management easements over them for part of the stormwater basins. They own the land; the easement says you are restricted from building or doing anything back there. Conservation areas are held by a third party and are meant for more of our riparian and our wetland areas; those are to conserve those. The conservation areas we are talking about here which are riparian areas behind sublots 2, 3, 4, 5, 6, 7, 8, 10, 11 and 12 for the stream corridor falls under our riparian code. He said he would need to look at the language in the code. He said the plat would show any deed restrictions which would follow the land; basically the language states don't build on it, don't cut down the trees. Mr. Beran stated the plat will have that.

The City Engineer stated he and Rich Beran had talked with Soil and Water about doing minimal clearing at the time of development. The idea was to not clear the whole green area; basically build the roads, utilities and the infrastructure. As each home comes in, they will have a site meeting with the builder to identify where best to put the house in order to save the large trees. Mr. Baxendale asked how that gets put into place. The City Engineer responded it would be some sort of restriction on the development plans or with covenant and restriction of the HOA. Mr. Beran said with it being a small subdivision, they will control the HOA until it's 100 percent rather than being 75 percent because it is such a small subdivision. He added the builder will need a Soil and Water permit before they are able to get a building permit. Once the plan is submitted Soil and Water they would go out to the site and stake what was going to be removed and where the home would be built so it can

be viewed prior to the permit being issued. Mr. Beran said he is in agreement with putting in place those restrictions.

Ms. Michalke asked if there is not a conservation area, will it be the responsibility of each individual homeowner to maintain any erosion on the property or on properties downstream; possibly caused by new construction and root damage of trees, etc. The City Engineer responded, typically yes. Regardless of a conservation group holding in the easement, erosion issues are managed by the homeowners. The conservation group is there for not allowing disturbance of habitat for the animals such as removing trees or fallen trees blocking water flow in a creek.

The City Engineer stated what we do not see on the plan is where the green line cuts off and goes into the wood area, the design of cutoff swales to basically cut the denuded area flow from just flowing straight down the hillside. That will be picked up and take those into the storm system. There will be areas of select riprap material armour protection to keep the water from coming down the hillside and causing further erosion and try to manage it into a manmade area into the stormwater basins. As long as those basins are maintained, everything should work. Inspections of stormwater basins are done every three years making sure of their upkeep. During development we have a two year period where the developer is responsible for anything that happens in the basins, such a silt. They would need to be dredged and brought back to original design grade before the two-year period is done.

Ms. Michalke asked how they will access to the areas where the riprap is initially being put in order to replace it when it is washed away. She said it is a concern she has because of the steep hill. The City Engineer stated the hope is the design of the developer is such that it won't wash away. Mr. Beran stated the HOA will still have responsibility over all of the lots and common areas that have covenants and restrictions. So if there is a bigger area that has a washout it is not just the homeowner; it's in the HOA itself. He said the riprap being put in will be within the green areas and possibly where ponds discharge into the streams; those would be within easements for the HOA and the City. They are not putting riprap in the streams; currently whatever water is going in the streams now will remain in there; they will not increase it but they may decrease it by taking some of the water in the green areas and piping it underground go the basins. The City Engineer stated access will be covered with language within the restriction. He said they would be able to access from the high side on Block C to get to every stream corridors. The stream management on the other stream corridors areas are serviced by driveways which will be required from one cul-de-sac down to the basins and then the other streams would have access from public right of way.

Mr. Beran stated the only place they would be placing riprap would be where ponds discharge into the streams and they would be within easements of the HOA and the City. He reiterated they are not proposing anything outside of the green area and to keep it natural. The City Engineer explained stream ripples and step pools used to prevent erosion. He said we want to slow the water down and let it trickle to each step pool in order to dissipate the energy so it doesn't become as erosive. He said you would follow along the creek off Block C to access it.

Mr. Baxendale asked if the proposed plan meets the zoning codes for that particular area and if any variances will be required. The City Engineer responded the plan meets the zoning codes and no variances will be required at this point; further verification is needed as

we move along. He spoke about the setback for the Category 2 wetland. He said based on what they are showing they are proposing a fill of a portion of that wetland; once that wetland is filled to that limit the setback comes off of that new limit of the remaining wetland. They are doing a fill to allow construction of the home on subplot 2 which carries into Block C.

The City Engineer responded to a question from Mr. Baxendale regarding stormwater concerns. He stated the reason for revising the site plan was to minimize any disturbance to the stream corridors that traverse the property. The Development plan is minimizing, if not completely eliminating, impacts to the streams except up by Margaret Drive where the stream does cross the street there by subplot 1 across to subplot 13 with the main development. Utilities will be bored underneath stream corridors including sanitary; the stream will be restored. The two basins will manage the increased run off for the development.

The City Engineer responded to the concern regarding the manhole cover that was dislodged. Even though it is on private property and because there is not an HOA, he said if there is a need to do it to protect the public safety and welfare, he will work with the Law Department and get that addressed with the storm crews. Mr. Beran stated if the City can get permission from the HOA, they will reset the top when they get onsite. He explained the swale which comes off of the back of Julia and Hi-View Drive has no detainage structure to slow the water down. He said there is so much headwater behind it to the east which pushes against the top of the three foot manhole.

Mr. Castrovillari restated that the application is for a preliminary plan. The next plan will have more details and further investigation.

Ms. Michalke asked the developer if they have built on anything this steep. Mr. Beran responded not this steep. He said they did Meadowview which had a lot of steep areas with a lot of unique drainage issues. He said they have worked with designers and consultants with a lot of studies done before presenting this plan.

Mr. Beran stated the development will be individual buyers with individual unique designs on each lot.

Mr. Baxendale asked if the City has any control over the wetlands. The City Engineer responded the wetlands are controlled by the State of Ohio and the U. S. Army Corps of Engineers. He added we have additional regulations on setbacks or protection buffers around the wetlands based on the categories provided by the State of Ohio. We cannot control whether they fill wetlands. The City Engineer stated there are no flood plains within the limits of the property.

Ms. Michalke stated even though she encourages development in North Royalton, she said she is nervous about the development of the steep hill area of mature trees.

The Law Director stated the Constitution of the United States provides for the protection of private property interests to the extent that anyone who owns a piece of property and chooses to want to develop it to the extent that their plans and their application meet the code, they have a right to proceed to develop that property. He stated there are limitations to what the PC can do. Mr. Baxendale and Ms. Michalke stated they would approve it with reservation.

**Moved** by Mr. Baxendale, seconded by Mayor Antoskiewicz **to approve Preliminary Plan.** Roll call: Yeas: Five (Baxendale, Marnecheck, Michalke, Castrovillari, Mayor Antoskiewicz). Nays: None. **Motion carried.**

- b) **PC20-09: Quarry Park Subdivision** – Greg Zillich on behalf of Arthur Thompson, George and Pamela Glus, David and Patricia Hajnosz, Mark and Teri DeCress is seeking Sketch Plan approval for Quarry Park Subdivision. The subdivision will consist of 20 single family residential lots located off State Road on PPN: 488-09-002, 488-09-003, 488-09-012 and 488-09-044 in Residential (R1-A) District zoning.

The Building Commissioner stated Mr. Zillich has been before the PC with this proposed development. The same concerns that were brought up last time were brought up again this evening. He said should the PC consider this application in the positive, he asked the applicant if he understands he will need to secure the services of a Civil Engineer to verify that the stormwater management will be adequate and at that time he would provide a complete wetland delineation. Mr. Zillich responded yes. The Building Commissioner also stated he would require the applicant to have approached the appropriate bodies of state and Corps of Engineers prior to returning to PC with the approvals or reviews of any kind of wetlands that need to be adjusted or altered. Mr. Zillich responded yes he would.

Mayor Antoskiewicz asked about the quarry issue on the property and if a study needs to be done regarding the impact of developing on this property. The City Engineer stated we are aware the site is a quarry. Mr. Zillich has dealt with rock issues before with Huntington Park subdivision. He said he should considering getting a geotechnical engineering study done to insure that it is constructible to get through the rock, to eliminate concerns regarding possible water table changes in the rock and to be made aware of any recommendations they may have. Mr. Zillich said the test bores have already been completed. He said he is still committed to design the homes without basements.

Mayor Antoskiewicz suggested he review the previous PC meeting minutes. At the prior meeting Mr. Zillich indicated he would be willing to look at making an improvement along the State Road corridor for sanitary sewers. He asked if that is still something he is willing to do. Mr. Zillich responded it might be misrepresenting the improvements to the State Road sanitary. He said the sanitary sewers are adequate. The Mayor said he would like Mr. Zillich to address all the previous concerns brought up during the previous meeting. Mr. Baxendale expressed his concern that over the last year when issues were clearly identified, why they hadn't been addressed prior to returning to PC. The Chair stated part of the delays was due to personal legal issues. Mr. Zillich responded those personal issues no longer pertain to this situation. He said once he has sketch plan approval, he can then move forward. The Building Commissioner stated Mr. Zillich can contact us and we will provide him with all the past Engineering Department reports and meeting minutes.

**Moved** by Mayor Antoskiewicz, seconded by Mr. Marnecheck **to approve Sketch Plan.** Roll call: Yeas: Four (Marnecheck, Michalke, Castrovillari, Mayor Antoskiewicz). Nays: One (Baxendale). **Motion carried.**

- c) **PC20-10: Ordinance No. 20-40** – Council has referred to PC the amendment of the Codified Ordinances of the City of North Royalton Part 12 Planning and Zoning Code, Chapter 1282 Off-Street Parking and Loading, Section 1282.03 Definition; Measurement Standards, Section 1282.05 Schedule of Parking Requirements, Section 1282.10 Parking

Area Improvements, Section 1282.12 Criteria to Determine Basic Stall Size and repealing Part 12 Planning and Zoning Code, Chapter 1282 Off-Street Parking and Loading, Section 1282.13 Table of Design Dimension for Various Parking Angles and creating a New Section 1282.17 Landscaping and Screening, and Declaring an Emergency.

The Building Commissioner stated he has been working with the Engineering Department regarding this lengthy, confusing ordinance and the time spent applying it. He said there were problems in the ordinance that needed addressed. He said Ordinance No. 20-40 covers five areas: The ordinance will greatly reduce the length of the ordinance by simplifying it. They have also removed anything to do with parking accessibility since that issue is handled by state ordinances. The language regarding shared parking has been reviewed. We have accommodated that in a much wider range than it was before; some will still require PC approval. A section has been added to landscaping requiring some minimum standards be inserted into a parking lot; such as islands, buffers around the perimeters, etc. The Ordinance will be easier to read and easier to use and easier to implement. Some small corrections are being made and will be sent to Council for their review. The Law Director recommended approval of this ordinance. He stated the existing ordinance is unintelligible and almost impossible to apply. The revised ordinance is the product of a great deal of work and an expert hired to assist in the development of the final draft.

The Building Commissioner and the City Engineer stated as part of our ongoing efforts, when we look at the code and it no longer works in today's design environment, we make changes to make it more basic but still covers the specific items which need addressed.

**Moved** by Mr. Baxendale, seconded by Mr. Marnecheck **to refer Ordinance No. 20-40 back to Council for recommendation of its approval.** Roll call: Yeas: Five (Castrovillari, Mayor Antoskiewicz, Baxendale, Marnecheck, Michalke). Nays: None. **Motion carried.**

#### MISCELLANEOUS

The next scheduled meeting is Wednesday, April 1, 2020.

#### ADJOURNMENT

Moved by Mr. Marnecheck, seconded by Mr. Baxendale to adjourn the March 4, 2020 PC meeting. Yeas: Five. Nays: None. Motion carried. Meeting adjourned at 9:04 p.m.

APPROVED: /s/ Frank Castrovillari  
Chair

DATE APPROVED: May 6, 2020

ATTEST: /s/ Diane Veverka  
Planning Commission Secretary